

1 AMENDMENT TO HOUSE BILL 2541

2 AMENDMENT NO. _____. Amend House Bill 2541 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Illinois Open Land Trust Act is amended
5 by changing Sections 5, 10, 15, 25, and 30 as follows:

6 (525 ILCS 33/5)

7 Sec. 5. Policy.

8 (a) The provision of lands for the conservation of
9 natural resources and public recreation promote the public
10 health, prosperity, and general welfare and are proper
11 responsibilities of State government.

12 (b) Lands now dedicated to these purposes are not
13 adequate to protect the quality of life and meet the needs of
14 an expanding population.

15 (c) Natural areas, wetlands, forests, prairies, open
16 spaces, and greenways provide critical habitat for fish and
17 wildlife and are in need of protection.

18 (d) The opportunity to acquire lands that are available
19 and appropriate for these purposes will gradually disappear
20 as their cost correspondingly increases.

21 (e) It is desirable to encourage partnerships among
22 federal, State, and local governments and not-for-profit

1 corporations for the acquisition of land for conservation and
2 recreation purposes.

3 (f) It is necessary and desirable to provide assistance
4 in the form of grants and loans to units of local government
5 and conservation organizations to acquire lands that have
6 significant conservation and recreation attributes.

7 (Source: P.A. 91-220, eff. 7-21-99.)

8 (525 ILCS 33/10)

9 Sec. 10. Definitions. As used in this Act:

10 "Conservation and recreation purposes" means activities
11 that are consistent with the protection and preservation of
12 open lands, natural areas, wetlands, prairies, forests,
13 watersheds, resource-rich areas, greenways, and fish and
14 wildlife habitats, including multiple use such as hunting,
15 fishing, trapping, and other recreational uses.

16 "Conservation easement" means a nonpossessory interest in
17 real property imposing limitations or affirmative obligations
18 the purposes of which include retaining or protecting
19 natural, scenic, or open-space values of real property,
20 assuring its availability for forest, recreational, or
21 open-space use, protecting natural resources, maintaining or
22 enhancing air or water quality, or preserving the natural,
23 historical, architectural, archaeological ~~archaeological~~, or
24 cultural aspects of real property. A conservation easement
25 may be released at any time by mutual consent of the parties.

26 "Conservation organization" means a not-for-profit
27 corporation under Section 501(c)(3) of the Internal Revenue
28 Code of 1986 whose mission includes the acquisition,
29 preservation, and long-term management of land in a natural
30 condition.

31 "Department" means the Department of Natural Resources.

32 "Natural area" means an area of land that either retains
33 or has recovered to a substantial degree its original natural

1 or primeval character, though it need not be completely
2 undisturbed, or has floral, faunal, ecological, geological,
3 or archaeological features of scientific, educational,
4 scenic, or esthetic interest.

5 "Open space" means those undeveloped or minimally
6 developed lands that conserve and protect valuable natural
7 features or processes.

8 "Real property" means land, including improvements
9 existing on the land.

10 "Units of local government" means counties, townships,
11 municipalities, park districts, conservation districts,
12 forest preserve districts, river conservancy districts, and
13 any other units of local government empowered to expend
14 public funds for the acquisition and development of land for
15 public outdoor park, recreation, or conservation purposes.

16 (Source: P.A. 91-220, eff. 7-21-99.)

17 (525 ILCS 33/15)

18 Sec. 15. Powers and duties. The Department of Natural
19 Resources has the following powers and duties:

20 (a) To develop and administer the Illinois Open Land
21 Trust program.

22 (b) To acquire real property, including, but not limited
23 to, open space and natural areas for conservation and
24 recreation purposes. The lands shall be held in (i) fee
25 simple title or (ii) conservation easements for natural
26 areas, provided that these mechanisms are all voluntary on
27 the part of the landowners and do not involve the use of
28 eminent domain.

29 (c) To make grants to units of local government and
30 conservation organizations under Section 25 of this Act in
31 consultation with the Natural Resources Advisory Board.

32 (d) To make loans to units of local government and
33 conservation organizations under Section 30 of this Act in

1 consultation with the Natural Resources Advisory Board.

2 (e) To promulgate any rules, regulations, guidelines,
3 and directives necessary to implement the purposes of this
4 Act.

5 (f) To execute contracts, grant or loan agreements,
6 memoranda of understanding, intergovernmental cooperation
7 agreements, and any other agreements with other State
8 agencies, and units of local government, and conservation
9 organizations that are necessary to implement this Act.

10 (g) To execute contracts, memoranda of understanding,
11 and any other agreements with not-for-profit corporations
12 that are consistent with the purpose of this Act.

13 (h) To accept grants, loans, or appropriations from the
14 federal government or the State, or any agency or
15 instrumentality thereof, for the purposes of the Department
16 under this Act, including to make loans of any funds and to
17 enter into any agreement with the federal government or the
18 State, or any agency or instrumentality thereof, in
19 relationship to the grants, loans, or appropriations.

20 (i) To establish any interest rates, terms of repayment,
21 and other terms and conditions regarding loans made pursuant
22 to this Act that the Department deems necessary or
23 appropriate to protect the public interest and carry out the
24 purposes of this Act.

25 (j) To establish application, eligibility, selection,
26 notification, contract, and other procedures, rules, or
27 regulations deemed necessary and appropriate to carry out the
28 provisions of this Act.

29 (k) To fix, determine, charge, and collect any premiums,
30 fees, charges, costs, and expenses, including, without
31 limitation, any application fees, commitment fees, program
32 fees, or financing charges from any person in connection with
33 its activities under this Act.

34 (l) To report annually to the Governor and the General

1 Assembly on the progress made in implementing this Act and on
2 the status of all real property acquired pursuant to the Act.
3 (Source: P.A. 91-220, eff. 7-21-99.)

4 (525 ILCS 33/25)

5 Sec. 25. Grant program. From appropriations for these
6 purposes, the Department may make grants to units of local
7 government and conservation organizations as financial
8 assistance for the acquisition of open space and natural
9 lands if the Department determines that the property
10 interests are sufficient to carry out the purposes of this
11 Act.

12 The Department shall adopt rules concerning the selection
13 or grant recipients, amount of grant awards, and eligibility
14 requirements. The rules must include the following
15 additional requirements:

16 (1) No more than \$2,000,000 may be awarded to any
17 grantee for a single project for any fiscal year.

18 (2) Any grant under this Act must be conditioned
19 upon the grantee providing a required match as defined by
20 rule.

21 (3) Funds may be used only to purchase interests in
22 land from willing sellers and may not involve the use of
23 eminent domain.

24 (4) The Department shall provide for a public
25 meeting to be conducted by the Natural Resources Advisory
26 Board prior to grant approval.

27 (5) All real property acquired with grant funds
28 must be accessible to the public for conservation and
29 recreation purposes, unless the Department determines
30 that public accessibility would be detrimental to the
31 real property or any associated natural resources.

32 (6) No real property acquired with grant funds may
33 be sold, leased, exchanged, or otherwise encumbered,

1 unless it is used to qualify for a federal program or,
2 subject to Department approval, transferred to the
3 federal government, the State, or a unit of local
4 government, or a conservation organization for
5 conservation and recreation purposes consistent with this
6 Act.

7 (7) All grantees must agree to convey to the State
8 at no charge a conservation easement on the lands to be
9 acquired using the grant funds.

10 (8) Grantees must agree to manage lands in
11 accordance with the terms of the grant. Any changes in
12 management must be approved by the Department before
13 implementation.

14 (9) The Department is authorized to promulgate, by
15 rule, any other reasonable requirements determined
16 necessary to effectively implement this Act.

17 (Source: P.A. 91-220, eff. 7-21-99.)

18 (525 ILCS 33/30)

19 Sec. 30. Open Lands Loan Program. The Department may
20 establish an Open Lands Loan Program to make loans to units
21 of local government and conservation organizations for the
22 purpose of assisting in the purchase of real property to
23 protect open spaces and lands with significant natural
24 resource attributes. For purposes of the program, and not by
25 way of limitation on any other purposes or programs provided
26 for in this Act, there is hereby established the Open Lands
27 Loan Fund, a special fund in the State treasury. The
28 Department has the power to use any appropriations from the
29 State made for the purposes under this Act and to enter into
30 any intergovernmental agreements with the federal government
31 or the State, or any instrumentality thereof, for purposes of
32 capitalizing the Open Lands Loan Fund. Moneys in the Open
33 Lands Loan Fund may be used for any purpose under the Open

1 Lands Loan Program including, without limitation, the making
2 of loans permitted under this Act.

3 The Department may establish and collect any fees and
4 charges, determine and enforce any terms and conditions, and
5 charge any interest rates that it determines to be necessary
6 and appropriate to the successful administration of the Open
7 Lands Loan Program. All principal and interest repayments on
8 loans made using funds withdrawn from the Open Lands Loan
9 Fund shall be deposited into the Open Lands Loan Fund to be
10 used for the purposes of the Open Lands Loan program or for
11 any other purpose under this Act that the Department, in its
12 discretion, finds appropriate. Investment earnings on moneys
13 held in the Open Lands Loan Fund or in any reserve fund or
14 pledged fund created with funds withdrawn from the Open Lands
15 Loan Fund must be treated in the same way as loan repayments.
16 The Department shall promulgate rules concerning selection
17 and eligibility requirements. The rules shall include the
18 following additional requirements:

19 (1) Units of local government and conservation
20 organizations receiving loans under this Act to acquire
21 real property must:

22 (A) agree to make and keep the lands
23 accessible to the public for conservation and
24 recreation, unless the Department determines that
25 public accessibility would be detrimental to the
26 lands or any natural resources associated with the
27 land;

28 (B) agree that all real property acquired with
29 loan proceeds shall not be sold, leased, exchanged,
30 or otherwise encumbered unless it is used to qualify
31 for a federal program or, subject to Department
32 approval, transferred to the federal government, the
33 State, or a unit of local government for
34 conservation and recreation purposes consistent with

1 this Act;

2 (C) agree to execute and donate to the State
3 at no charge a conservation easement on the lands to
4 be acquired; and

5 (D) agree to manage lands in accordance with
6 the terms of the loan. Any changes in management
7 must be approved by the Department before
8 implementation.

9 (2) Loans made by the Department ~~to units of local~~
10 government must be secured by interests in collateral and
11 guarantees that the Department determines are necessary
12 to protect the Department's interest in the repayment of
13 the principal and interest, if any, of each loan made
14 under this Section.

15 (3) Loans made by the Department may be used only
16 to purchase interests in land from willing sellers and
17 may not involve the use of eminent domain.

18 (4) Borrowers may not use the proceeds from other
19 Department grant programs to repay loans made under this
20 program.

21 (5) Borrowers must agree to manage lands in
22 accordance with the terms of the loan. Any changes in
23 management must be approved by the Department before
24 implementation.

25 (6) The Department is authorized to promulgate, by
26 rule, other reasonable requirements necessary to
27 effectively implement this Act.

28 (Source: P.A. 91-220, eff. 7-21-99.)

29 Section 99. Effective date. This Act takes effect upon
30 becoming law."